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 Attorneys for Defendant Select Portfolio Servicing, Inc.

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA

KATHI ANN SHARPE,
 Plaintiff,

vs.

FAIRBANKS CAPITAL CORP., a Utah
 corporation n/k/a SELECT PORTFOLIO
 SERVICES, INC., a Utah corporation,
 Defendant.

No.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant Select Portfolio Servicing, Inc. (“SPS”) hereby removes to this Court an action pending in the Arizona Superior Court (No. CV2010-096145) pursuant to 28 U.S.C. § 1332 for the reasons set out below.

1. On September 21, 2010, Plaintiff filed an action in the Superior Court of the State of Arizona, Maricopa County, entitled Sharpe v. Fairbanks Capital Corp., No. CV2010-096145 (Ariz. Super. Ct. filed Sept. 21, 2010).

2. Removal of this action is proper under 28 U.S.C. § 1332.

3. Plaintiff is a resident and citizen of the State of Arizona.

4. Defendant Select Portfolio Servicing, Inc. is a corporation incorporated under the laws of the State of Utah which has its headquarters in, and directs, controls, and

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1 coordinates its operations from, the State of Utah. SPS is a citizen of Utah for diversity
2 purposes.

3 5. Plaintiff challenges the legality of a trustee's sale held by SPS to enforce her
4 mortgage obligations, and asserts claims for tort damages in connection with the sale. The
5 Maricopa County Assessor values the property sold at \$572,200 for 2011. The outstanding
6 balance of Plaintiff's loan when the property was sold was \$567,151.83. The amount in
7 controversy exceeds \$75,000.

8 6. A true and correct copy of the Complaint, Certificate of Compulsory Arbitration,
9 Minute Entry (12/29/10), Motion to Extend the Time for Service, Minute Entry (2/23/11),
10 and Minute Entry (4/13/11), is attached hereto as Exhibit A. These documents constitute the
11 entire record in the Maricopa County Superior Court as of July 19, 2011.

12 7. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b).

13 8. Defendant has served a copy of this Notice of Removal on Plaintiff in accordance
14 with 28 U.S.C. § 1446(d).

15 9. A copy of the Notice of Removal to Federal Court has been filed with the
16 Superior Court Clerk of Maricopa County in accordance with 28 U.S.C. § 1446(d), and
17 attached hereto as Exhibit B.

18 10. This Notice is signed pursuant to Federal Rule of Civil Procedure 11 in
19 accordance with 28 U.S.C. § 1446(a).

1 DATED this 20th day of July, 2011.

2 BRYAN CAVE LLP

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4 By s/ Gregory B. Iannelli
5 Sean K. McElenney
6 Gregory B. Iannelli
7 Two North Central Avenue, Suite 2200
8 Phoenix, Arizona 85004-4406

9 Attorneys for Defendant Select Portfolio
10 Servicing, Inc.

11 ORIGINAL of the foregoing electronically filed
12 and COPY mailed this 20th day of July, 2011, to:

13 Kathi Sharpe
14 4763 East Summerhaven Drive
15 Phoenix, Arizona 85044

16 s/ Christie Giffin
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